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September 28, 2005

White House Conference on Aging Headquarters

4350 East West Highway - Suite 300

Bethesda, Maryland 20814

Dear Ms. Thompson:

The National Committee of Grandparents for Children's Rights (NCGCR) represents grandparents and grandparent advocates in over 50 states. We are the largest grandparent advocacy organization in American. Our concerns center on the needs of grandparents and the children in their care.

In October 2003 and again in September 2005, grandparents from across the county rallied in Washington D. C. in order to focus attention on the unmet needs of seniors who are parenting again. At both rallies, we partnered with the AARP, the Children's Defense Fund, the Child Welfare League of America, and Generations United. Most of the grandparents who attended the GrandRally in front of the Capitol belonged to our organization.

At the GrandRally, I was fortunate to speak, along with Senator Clinton, Mary Wright Edelman of the Children's Defense Fund, and the chief executive officers of the other partners. While we all support assistance to grandparent caregivers, only our members are "walking the walk." We know firsthand what problems confront seniors caring for the young.

I am confident that many of the issues mentioned at the last White House Conference on Aging will again be addressed by the conference delegates. However, these issues, while important, still do not address crucial concerns.

In order to insure that these unique concerns are understood and addressed by the delegates, the National Committee is forwarding the accompanying suggested resolutions and a brief background paper.

It is our sincere hope that our suggestions will become part of the final resolutions. We care for children with love and devotion, uncomplaining, and enduring great sacrifices. Our voices deserve to be heard.

In anticipation of the Conference's attention to our requests, I thank you for your assistance in bringing our ideas to the attention of the delegates.

Sincerely,

Brigitte Castellano
Executive Director
Enclosures

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THE WHITE HOUSE CONFERENCE ON AGING PROPOSED RESOLUTION - September 2005

The National Committee is the largest grandparent organization in the nation, representing grandparents and grandparent advocates in fifty states. The Committee urges the White House Conference on Aging to adopt the following proposal regarding "**Grandparents Raising Grandchildren.**"

WHEREAS, more than seventy-five percent of the baby boom generation is or will become grandparents, and close to one in ten grandparents is or will become a primary caregiver of grandchildren;

WHEREAS, an estimated over six million children are currently being raised by their grandparents, while less than four hundred thousand children are in non-relative foster care;

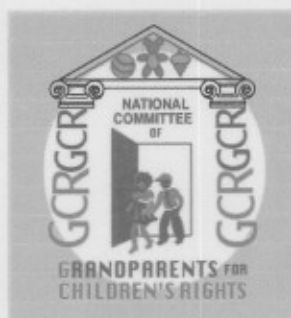
WHEREAS, grandparent caregivers make up an informal child welfare system that is more than ten times the size of the "formal" system;

WHEREAS, this informal child welfare system is severely underserved by policies and laws which do not recognize its importance and fail to provide grandparents and other relative caregivers with the necessary authority, rights, and assistance;

WHEREAS, the full utilization of the informal child welfare system will place more children in loving and stable homes while reserving the pool of qualified non-relative foster parents for children without suitable relatives;

Therefore, be it resolved by the 2005 White House Conference on Aging to support policies that:

- **Make mandatory the distribution of 10%** of the National Caregiver Family Support Program funds under the Older Americans Act for the exclusive support of programs dedicated to grandparents and other caregivers who have reached the age of fifty-five. Currently, this 10% is discretionary and is routinely diverted to other aging programs.
- **Increase efforts to locate suitable relatives** when children are placed in state custody and to expedite placement with relatives intra-state and via the Interstate Compact on Children in other states. Currently, the scope and level of efforts in searching for relatives is not in conformity with the accountability provisions of the ASFA and the result is that countless children and families are separated despite the existence of relatives who want to care for their children.
- **Insure that grandparents and other relatives have the opportunity** to care for children by mandating that in all court proceedings, brought under state laws enacted pursuant to the 1997 Adoption and Safe Families Act, there should be a rebuttal presumption that it is in the best interests of children to be placed with suitable relatives.



2005 WHITE HOUSE CONFERENCE ON AGING GRANDPARENT CARING FOR GRANDCHILDREN: A NEED FOR PRIORITY

(Prepared by The National Council of Grandparents for Children's Rights
Counsel Gerard Wallace, September 26, 2005)

In 1995, the White House Conference on Aging's Resolution No. 39, "Addressing Issues Related to Grandparents Raising Grandchildren" offered ten recommendations to provide recognition and assistance to grandparent caregivers.¹ Ten years later, many of the same issues remained unaddressed, and new more substantive issues have been identified.

In 2003, grandparents and grandparent advocacy organizations from around the nation joined into one voice, the National Committee of Grandparents for Children's Rights, for the sole purpose of providing children with advocates who had "walked the walk" and who knew what was needed both via regulation and legislation in order to provide the "other child welfare" system with the recognition, authority, security, and assistance that was necessary. In sum, grandparents no longer could wait for help, instead they themselves decided to demand the right to care for their grandchildren.

It is now commonly acknowledged that, aside from parents, grandparents are the largest and most skilled resource available to care for children. As grandparents will tell you, "when parents cannot parent, grandparents can." They bring maturity, love, stability, and patience into the lives of children. Yet, laws and policies have yet to provide them with the elemental rights and assistance necessary to parent successfully.

If we are to maximize the unique opportunity that a generation of grandparents who live longer, healthy, and more vibrantly, provides to the nation's children, we must listen to their voices and decide to offer to them a comprehensive package of rights and assistance.

According to the U.S. Census, by 2000 more than six million children were living with grandparents or other relatives.² The 2000 U.S. Census also showed that 4.5 million children were being raised by 2.4 million grandparents. A 1998 AARP survey showed that about 11 percent of "mature" grandparents already were caregivers.³

Next to parents, grandparents are by far the single largest source of private caregiving. Over one-half of all grandparents provide some child-care assistance,⁴ and more than one in ten grandparents will raise a grandchild for six months or more.⁵ 38 1/2 percent of grandparent caregivers are responsible for a grandchild for five or more years. 25 1/2 percent of grandparent caregivers are over 60, with a median age of 57, and a median family income of \$31,700.⁶

With a growth rate of 30 percent per decade, in 2005, the actual number of grandparent caregivers may already approach 2.8 million. By adding in the estimated nearly 30 percent of kin caregivers who are non-grandparents the current total number of caregivers is likely to be over 3.6 million.

Because these figures are a snapshot, taken at a particular time, and because caregiving is significantly transitive, the total number of seniors who assume full time responsibility for children is actually substantially higher.

Grandparents are a national resource for children and should be acknowledged as the first line of defense for children at risk. In fact, they are the natural substitute guardians for their grandchildren. They need the chance to care for children, and once they become caregivers they need supportive laws that provide them with the common elements of caregiving - recognition, authority, security, and assistance.

GRANDPARENTS WHO ARE NOT CAREGIVERS SHOULD HAVE THE:

- *OPPORTUNITY* to care for their grandchildren when parents cannot care for their children and/or when grandchildren are in foster care.
- *CREDIBILITY* when reporting to authorities that they fear their grandchild is suffering abuse or neglect.

GRANDPARENTS AND OTHER NON-PARENT CAREGIVERS NEED:

- *RECOGNITION* by both policy makers and the systems that serve caregivers;
- *AUTHORITY* to make medical and school related decisions for children in their care;
- *SECURITY* of knowing that children will not be taken from them without due process; and, if needed,
- *FINANCIAL SUPPORT AND OTHER SERVICES.*

RECOGNITION means that law guardians, judges, child welfare and public assistance personnel need training in order to eliminate biases towards grandparent caregivers and to better understand that these caregivers are working to save the lives of children.

RECOGNITION also means that grandparents and other caregivers are informed by local departments of social services about the opportunity to become foster parents and their eligibility for public assistance.

AUTHORITY means that informal caregivers and legal custodians have the ability to make medical and school-related decisions for children.

SECURITY means clear and reasonable standards regarding what "extraordinary circumstances" will mandate a judicial inquiry into the best interests of a child when deciding custody disputes between a de facto custodian and a parent or DSS.

SECURITY also means that relative caregivers have heightened protection when they serve as foster parents.

FINANCIAL SUPPORT means that when children in the care of grandparents are eligible for a "child only" TANF grants, they are able to understand the application process, and that a specially trained intake person is ready to assist them.

FINANCIAL SUPPORT also means knowing that kinship foster children can exit the child welfare system and still receive support via subsidized guardianship.

OTHER SERVICES means access, when needed, to information and referral, legal assistance, counseling, mediation, support groups, respite, childcare, transportation, housing, health care, psychotherapy, education, and other appropriate assistance

The special value that our traditions place on grandparents⁷ has yet to translate into a legal value.⁸ There is no grandparental legal right to care. There is no established legal principle that grandparents are the natural substitute guardians for their grandchildren.⁹

For over 50 years, grandparents have advocated for rights. Those rights were originally associated with visitation, but in light of the recent explosion of caregiving, a second meaning has emerged.

The more recently evolved meaning refers to grandparent caregiver rights with respect to grandchildren who are abandoned, neglected, or abused, and for whom grandparents wish to become caregivers, have become caregivers, or now reside with their grandchildren while sharing parental duties with a parent. In this context, grandparents rights are intended to replicate parental rights in circumstances when parents cannot parent, i.e., grandparents are the natural substitute guardians of their grandchildren. Such rights, either especially identifying grandparents or applying to all kin caregivers, are developing too slowly.

Grandparents, as well as other caregivers, need to have their rights recognized, because so many children depend upon them for loving and stable homes. It is time for our state and federal law makers to comprehensively address the many issues that burden non-parental caregivers.

For instance, as mentioned, there is no family right to raise family. Once children are removed from their parents by child protective services, there is no family right to care. Thousands of instances where grandparents and other family members have lost custody battles or worse been denied the opportunity to seek custody of children can be documented.

Once children are living with relatives, these families are threatened by parents, who use the children as pawns to access favors - because courts do not protect children from parents but instead will reunite them seemingly at any cost.

Families, who are the best resource for children, do not receive the same assistance or even a semblance of the assistance available to non-related foster parents. Nationally, over nineteen billion dollars, in state and federal funds, is spent annually in order to assist children at risk. Yet less than fifty million is spend on the one system that works.

For families who are on fixed incomes, or whose resources enable them to only care for their own needs, the unanticipated demands of caregiving are enormously burdensome. Savings, retirement plans, homes, and jobs are lost. For the sake of grandparents and children, focused assistance is necessary.

Since 1995, progress has been made. Yet it is not nearly enough. It is time for policy makers to understand and to act on the fact that grandparents and other relatives need a comprehensive package of authority, rights, and assistance.

For the first time in history, a generation of children, who in the past would be lost, can be saved. The new generation of grandparent caregivers is the cure, if only policy and law makers will use it.

- 1 White House Conference on Aging, Appendix D: Text of the Resolutions.
- 2 Fact Sheet, Grandparents and Other Relatives Raising Children: Challenges of Caring for the Second Family 1(Generations United)(citing U.S. Census 2000 SF1, table P28, Relationship by Household Type for Population 18 and younger), available at [http:// www.gu.org/Files/ChallengesSheetfinal10_02.pdf](http://www.gu.org/Files/ChallengesSheetfinal10_02.pdf).
- 3 Denholtz, Elaine, "The Extra Parent," p. 3, Universe 2003.
- 4 Guzman, Lina, "Grandma and Grandpa Taking Care of the Kids: Patterns of Involvement." ChildTrends, 2004.
- 5 "Grandparents and other relative caregivers often face a bewildering set of legal issues." Minkler, Meredith, "Grandparents & Other Relatives Raising Children: Characteristics, Needs, Best Practices, & Implications for the Aging Network. AOA, 2001.
- 6 Brabazon, Kevin, "Grandparents Living with Grandchildren and Grandparents Responsible for Grandchildren. Generations United, 2002. The years between 1970 and 1997 experienced a 78% increase in the number of children living in grandparent headed households. Caspare, Lynne M. & Bryson, Kenneth R., Co-resident Grandparents and their Grandchildren: Grandparent Maintained Families, U. S. Bureau of the Census, March 1998.
- 7 "Foster Care With Love." Washington Post Op-Ed, June 9th, 2004.
- 8 The role of grandparents is especially important in the African American community. See *Moore v. City of East Cleveland Ohio*, 97 S. Ct. 1932, 431 U.S. 494, 52 L.Ed. 2d 531 (1977) As noted in *Moore*, approximately 44% of all African Americans live in extended families, whereas only 11% of whites reflect a similar structure. Within the extended African American family, grandparents are most likely to shoulder the responsibility of raising children.
- 9 *Moore v. City of East Cleveland Ohio*, 97 S. Ct. 1932, 431 U.S. 494, 52 L.Ed. 2d 531 (1977) (a grandmother custodian was afforded the same protections from state interference that parents receive); I.R.S. Schedule EIC (Form 1040A) (grandparents can use the Earned Income Tax Credit when children are in their home for less than one year). In New York, see N.Y. Dom. Rel. § 72 (in expanding the opportunity for grandparents to seek visitation, the 1976 New York legislature took note of the special role that grandparents play in monitoring the well-being of their grandchildren. Leon E. Giuffreda, Senator's Memoranda on Grandparents, Visitations Right S.613-A, 1975 New York State Legislative Annual, pp. 50, 51); N.Y. Surr. Proc. Act § 1707 (Grandparents must receive notification when parents are dead or missing.); 42 U. S. C. § 216 (Grandparents may seek dependent benefits for un-adopted children in their care when the parents are dead or disabled); and C. 657 of the 2003 Laws of New York (grandparents afforded special rights in private custody disputes and notification about removals of children from parental homes by local departments of social services). See also *Matter of the Appointment of a Guardian for Baby K*, 188 Misc.2d 228, 727 N.Y.S.2d 283 (Broome Co. Surr. Ct. 2001) (a Surrogate's Court approving grandparent's guardianship of an unborn child). These constitutional and statutory recognitions remain isolated and do not constitute acceptance of grandparents as substitute guardians.
